

March 17, 2017

REGULAR MEETING AGENDA  
ILLINOIS CIVIL SERVICE COMMISSION  
MARCH 17, 2017

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 11:00 A.M. AT 160 NORTH LASALLE STREET, SUITE S-901, BILANDIC BUILDING, CHICAGO, ILLINOIS AND 607 EAST ADAMS STREET, SUITE 801, ILLINOIS BUILDING, SPRINGFIELD, ILLINOIS BY INTERACTIVE VIDEO CONFERENCE

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD FEBRUARY 17, 2017

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD FEBRUARY 17, 2017?**

IV. PUBLIC COMMENT IN ACCORDANCE WITH THE OPEN MEETINGS ACT

**MEMBERS OF THE PUBLIC ARE OFFERED AN OPPORTUNITY TO ADDRESS MEMBERS OF THE COMMISSION IN ACCORDANCE WITH THE OPEN MEETINGS ACT AND RULES OF THE CIVIL SERVICE COMMISSION.**

V. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions from Central Management Services

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	19
Agriculture .....	310.....	20
Arts Council .....	9.....	2
Capitol Development Board .....	42.....	0
Central Management Services .....	1,298.....	97
Children and Family Services.....	2,549.....	54
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	290.....	71
Commerce Commission .....	58.....	0
Corrections .....	11,566.....	109
Criminal Justice Authority.....	53.....	7
Deaf and Hard of Hearing Comm.....	5.....	1
Developmental Disabilities Council .....	8.....	1
Emergency Management Agency.....	65.....	8
Employment Security .....	1,055.....	31
Environmental Protection Agency.....	648.....	18
Financial & Professional Regulation .....	399.....	49
Gaming Board .....	167.....	6
Guardianship and Advocacy .....	93.....	8
Healthcare and Family Services .....	1,872.....	27
Historic Preservation Agency.....	127.....	17
Human Rights Commission.....	14.....	2
Human Rights Department .....	122.....	10
Human Services.....	12,648.....	82
Illinois Torture Inquiry Relief Commission .....	3.....	1
Independent Tax Tribunal .....	1.....	0
Innovation and Technology .....	30.....	14
Insurance .....	226.....	17
Investment Board .....	3.....	2
Juvenile Justice.....	993.....	28
Labor .....	77.....	12
Labor Relations Board Educational.....	7.....	3
Labor Relations Board State.....	14.....	2
Law Enforcement Training & Standards Bd. ....	21.....	2
Lottery .....	141.....	8
Military Affairs.....	126.....	3
Natural Resources.....	1,037.....	32
Pollution Control Board .....	17.....	2
Prisoner Review Board.....	21.....	1
Property Tax Appeal Board.....	30.....	1
Public Health .....	1,058.....	42
Racing Board.....	2.....	1
Revenue.....	1,423.....	48
State Fire Marshal .....	116.....	12
State Police.....	968.....	10
State Police Merit Board .....	7.....	2
State Retirement Systems .....	103.....	3
Transportation .....	3,038.....	0
Veterans' Affairs .....	1,266.....	11
Workers' Compensation Commission.....	119.....	11
<b>TOTALS.....</b>	<b>44,394.....</b>	<b>907</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

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**C. Illinois Department of Central Management Services – proposed exemption (continued from February 17, 2017)**

Position Number	40070-37-80-300-00-01
Functional Title	Assistant Deputy Director, Illinois Office of Communication and Information
Incumbent	Vacant
Supervisor	Deputy Director, Illinois Office of Communication and Information who reports to the Chief Administrative Officer who reports to the Director
Location	Cook County

**CMS Recommendation:** “This position does meet the reporting criteria of the Commission Rules and considering the similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

**WILL THE COMMISSION GRANT THE REQUEST FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITION?**

**C: Assistant Deputy Director, Office of Communication & Information (CMS)**

**VI. CLASS SPECIFICATIONS**

**A. Governing Rule – Section 1.45 Classification Plan**

The Commission will review the class specifications requiring Commission approval under the Classification Plan and will approve those that meet the requirements of the Personnel Code and Personnel Rules and conform to the following accepted principles of position classification:

- a) The specifications are descriptive of the work being done or that will be done;
- b) Identifiable differentials are set forth among classes that are sufficiently significant to permit the assignment of individual positions to the appropriate class;
- c) Reasonable career promotional opportunities are provided;
- d) The specifications provide a reasonable and valid basis for selection screening by merit examinations;
- e) All requirements of the positions are consistent with classes similar in difficulty, complexity and nature of work.

The following class titles were submitted for creation and revision by the Director of the Illinois Department of Central Management Services (CMS):

**B. Corrections Vocational Instructor (revise)  
Juvenile Justice Vocational Instructor (create)**

**CMS analysis:** “The Illinois Department of Juvenile Justice (IDJJ) was created by legislation (Public Act 094-0696) effective on July 1st, 2006, replacing the Juvenile Division of the Illinois Department of Corrections (IDOC). At that time, the IDOC School District #428 was transferred to the IDJJ, making the IDJJ responsible for the education of youth within the IDJJ and inmates age 21 or under within the IDOC who have not yet earned a high school diploma or high school equivalency certificate (105 ILCS 5/13-40).

In the past, Corrections Vocational Instructor (CVI) positions were located in several IDOC programs, including Correctional Industries, the Office of Adult Education and Vocational Services, and School District #428. With the advent of the IDJJ and the transfer of the school district, appropriate demarcation and allocation of the positions are therefore necessary for statutory and classification purposes, and to further validate IDJJ's identity, mission, and objectives. In addition, on July 1st, 2013, the Illinois State Board of Education (ISBE) implemented a sweeping credentialing system conversion affecting every educator under its jurisdiction, changing from a certification system to one of licensure. Finally, Public Act 098-1146, effective December 30th, 2014, granted the IDJJ a partial exemption from the Illinois Personnel Code (Section 4(d)5) designed to expedite the process of hiring for all IDJJ positions requiring ISBE licensing, and enhance the agency's ability to meet court-ordered deadlines regarding school district staffing requirements. The IDOC was not addressed in that legislation and thus the CVI class and positions allocated to that agency are excluded from this exemption. This confluence of changes to state laws and agency organization was the impetus for this study and subsequent proposal for a new class entitled Juvenile Justice Vocational Instructor (JJVI).

The existing Corrections Vocational Instructor class specification has been revised to reflect the excision of the school district-located positions. References to the now obsolete ISBE-issued credentials required for CVI positions have been deleted from the CVI class specification. Additionally, general terminology updates and other revisions have been incorporated to improve clarity and readability. CVI positions not affected by the school district transference to IDJJ will remain appropriately classified within IDOC.

The proposed new class, Juvenile Justice Vocational Instructor, is derived from the Corrections Vocational Instructor class. The recent legislative and agency changes illustrated the need for this class as a way to clearly define and provide separate, distinct services for adjudicated youths from those services that are provided to the IDOC inmates; also, ISBE's recent change in credentialing systems produced classification questions that are clarified through creation of this new class. The ISBE licensure requirements are proposed as the sole standard qualification pathway into the JJVI. Additionally, the language proposed in this class specification reflects only the duties and responsibilities that are present in the contingent of CVI positions that are allocated to the IDJJ, as contrasted to those CVI positions that are employed within the IDOC.”

**C. Pharmacy Technician (revise)**  
**Pharmacy Lead Technician (revise)**

**CMS analysis:** “In order to be consistent with changes to the Pharmacy Practice Act under Public Act 099-0473, we have revised the Education and Experience sections of the Pharmacy and Pharmacy Lead Technician class specifications. In both class specifications, the relevant sections have been revised to read, ‘Requires Illinois registration as a registered certified pharmacy technician.’ All other requirements will remain in place as they are found in the current class specifications.”

**WILL THE COMMISSION APPROVE THE CREATION AND REVISION OF THE FOLLOWING CLASS TITLES TO BE EFFECTIVE ON APRIL 1, 2017?**

- B. Corrections Vocational Instructor (revise)  
Juvenile Justice Vocational Instructor (create)**
- C. Pharmacy Technician (revise)  
Pharmacy Lead Technician (revise)**

**WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?**

VII. PERSONNEL RULES

**A. Civil Service Commission Governing Rule – Section 1.310 Personnel Rules**

The Commission has power to disapprove new rules or amendments to existing rules submitted by the Director of Central Management Services. Such proposed new rules or amendments of existing rules submitted to the Commission shall be accompanied by a report of proceedings attending the prior public hearing required by law with respect to them. If the Commission does not disapprove new rules or any amendment to existing rules within 30 days following the receipt from the Director of Central Management Services, the new rules or amendments have the force and effect of law after filing by the Director with the Secretary of State.

**B. None submitted**

**WILL THE COMMISSION DISAPPROVE ANY AMENDMENTS TO PERSONNEL RULES RECEIVED BY THE COMMISSION STAFF BUT NOT INCLUDED IN THIS AGENDA TO ALLOW ADEQUATE STUDY?**

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

**PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION CLOSE A PORTION OF THE MEETING TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION, AND/OR SPECIFIED EMPLOYMENT MATTERS?**

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IX. RECONVENE THE REGULAR OPEN MEETING

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	1/31/17	2/28/17	2/29/16
Central Management Services	1	0	2
Employment Security	1	0	1
Financial and Professional Regulation	0	0	1
Gaming Board	1	0	0
Guardianship and Advocacy Comm.	1	0	0
Healthcare and Family Services	0	0	5
Human Services	6	1	15
Insurance	1	0	2
Natural Resources	1	2	6
State Retirement Systems	2	2	3
Transportation	0	14	7
Workers' Compensation Commission	1	0	3
<b>Totals</b>	15	19	45

XI. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEALS

DA-14-17

Employee	Chandra L. Kanosky	Appeal Date	9/09/16
Agency	Human Services	Decision Date	3/03/17
Appeal Type	Discharge	Proposal for Decision	Uphold discharge.
ALJ	Andrew Barris		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-15-17<sup>A</sup>**

Employee	James Nam	Appeal Date	9/13/16
Agency	Workers' Compensation	Decision Date	3/03/17
Appeal Type	Discharge	Proposal for Decision	60-day suspension plus duration of suspension pending discharge.
ALJ	Daniel Stralka		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**DA-24-17**

Employee	Jeffrey E. Hopkins	Appeal Date	11/07/16
Agency	Natural Resources	Decision Date	03/02/17
Appeal Type	Discharge	Proposal for Decision	90-day suspension plus duration of suspension pending discharge.
ALJ	Andrew Barris		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**S-1-17**

Employee	James Nam	Appeal Date	7/05/16
Agency	Workers' Compensation	Decision Date	3/03/17
Appeal Type	Suspension	Proposal for Decision	Uphold 25-day paper suspension.
ALJ	Daniel Stralka		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

**S-22-17**

Employee	Scott Nailor	Appeal Date	10/18/16
Agency	Corrections	Decision Date	02/24/17
Appeal Type	Suspension	Proposal for Decision	Uphold 20-day suspension.
ALJ	Daniel Stralka		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSAL FOR DECISION IN THE ABOVE MATTER?**

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<sup>A</sup> Illinois Workers' Compensation Commission v. James Nam, DA-15-17 was consolidated with Illinois Workers' Compensation Commission v. James Nam, S-1-17.

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XII. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

**DA-33-17**

Employee	Kimberly D. Prince	Appeal Date	1/30/17
Agency	Children & Family Services	Decision Date	3/06/17
Appeal Type	Discharge	Proposal for Decision	Dismissed; withdrawn.
ALJ	Andrew Barris		

**S-35-17**

Employee	David A. Ratkovich	Appeal Date	2/14/17
Agency	Human Services	Decision Date	2/17/17
Appeal Type	Suspension	Proposal for Decision	Dismissed; withdrawn.
ALJ	Daniel Stralka		

**DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSALS FOR DECISION IN THE ABOVE MATTERS?**

XIII. STAFF REPORT

XIV. ANNOUNCEMENT OF NEXT REGULAR OPEN MEETING

**The next regular open meeting is to be held at 11:00 a.m. on Friday, April 21, 2017.**

XV. MOTION TO ADJOURN